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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1317 of 2017**

Shriram General Insurance Company Limited Through Branch Manager, Branch Office, Shriram Tower, Ambedkar Chowk, Ambikapur, District Surguja, Chhattisgarh

---- Appellant**Versus**

1. Smt. Kusum Devi W/o Satyendra Prasad Goswami, Aged About 45 Years R/o Village Dandgaon Police Station Udaipur, District Surguja Chhattisgarh
2. Prem Kumar Mishra S/o Prayag Naryan Mishra, Aged About 53 Years Occupation Driver, R/o Ring Road, Darripara, Ambikapur, District Ambikapur Chhattisgarh.
3. Kapil Yadav, S/o Mahesh Yadav, Aged About 35 Years R/o Near Jail, Babupara, Ambikapur, Thana Ambikapur, District Surguja Chhattisgarh

----Respondents

For Appellant	:	Mr. S.S. Rajput, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/09/2017**

1. Heard on I.A. No.1, which is an application for condonation of delay. For the reasons assigned in the application and finding them to be satisfactory, I.A. No.1 is allowed and delay of 58 days in filing the appeal stands condoned.
2. Present is an appeal by the Insurance Company assailing the award dated 03.04.2017, passed by the 5th Additional Motor Accident Claims Tribunal, Ambikapur, District Surguja, Chhattisgarh, in Motor Accident Claim Case No. 298/2015. Vide the said impugned award, the Tribunal in an injury case has awarded a compensation of Rs.3,47,185/- with interest @ 7% per annum.
3. Present is an appeal by the Insurance Company challenging the quantum awarded. The counsel for the appellant submits that it is a case, where the injuries sustained by the appellant was not so serious which required awarding a compensation of Rs.3,47,185/-. It

is further contended that from the award, it appears that the injury part has not been sufficiently proved by leading the evidence of medical expert i.e. the Doctor. In addition, the disability certificate also was not furnished by the claimant during the course of evidence to further strengthening their claim.

4. Having considered the submissions put forth and on perusal of the impugned judgment what clearly reflects that out of the total award of Rs.347,185, Rs.1,19,185 is towards the medical expenses incurred by the claimant/injured. The balance amount is only of Rs.2,20,000/- of which also Rs.15,000/- is towards the special and nutritious diet that would be required for the recovery of the injuries and further for the pain and sufferings the amount awarded is Rs.30,000/-. If these two figures are also deducted from the amount awarded, the total compensation payable would be somewhere around Rs.1,75,000/-.
5. This Court does not find the said amount of compensation awarded by the Tribunal to be either excessive or exorbitant. The appeal thus, devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge